

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

_____ SETH FELKER	:	CIVIL ACTION
	:	
v.	:	
	:	
NATIONAL CART CO.,	:	No.
NATIONAL CART, LLC	:	
NATIONAL CART CO. EAST, LLC:	:	
WINHOLT EQUIPMENT GROUP :	:	
and WIN-HOLT EQUIPMENT :	:	
CORP.	:	

NOTICE

TO: Law Offices of Jeffrey R. Lessin & Associates, P.C.
Jeffrey R. Lessin, Esquire
1515 Market St.
STE 1650
Philadelphia, PA 19102

Please take notice that defendants National Cart Co. East, LLC, National Cart, LLC and National Cart Co. have filed a Notice in the United States District Court for the Eastern District of Pennsylvania for removal of the civil action now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, entitled Felker v. National Cart Co., et al, Philadelphia County Court of Common Pleas, August Term 2021, No. 0116, a copy of which is attached hereto.

BILLET & ASSOCIATES, LLC

/s/ *Hugh Daulerio*

By: _____
ROBERT DOUGLAS BILLET, ESQUIRE
HUGH DAULERIO, ESQUIRE
Attorneys for defendants National Cart Co.,
National Cart, LLC, and National Cart Co.
East, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SETH FELKER	:	CIVIL ACTION
	:	
v.	:	
	:	
NATIONAL CART CO.,	:	No.
NATIONAL CART, LLC	:	
NATIONAL CART CO. EAST, LLC:	:	
WINHOLT EQUIPMENT GROUP	:	
and WIN-HOLT EQUIPMENT	:	
CORP.	:	

NOTICE OF REMOVAL

Defendants National Cart Co. East, LLC, National Cart, LLC and National Cart Co. by and through their attorneys, Billet & Associates, LLC, hereby notice the removal of this matter to the United States District Court for the Eastern District of Pennsylvania from the Court of Common Pleas, Philadelphia County, Pennsylvania, and, in support thereof, aver the following:

1. This is a civil action which was filed and is now pending in the Court of Common Pleas of Philadelphia County entitled Felker v. National Cart Co., et al, Philadelphia County Court of Common Pleas, August Term 2021, No. 0116. See plaintiff's Complaint, a copy of which is attached as Exhibit "A."

2. The action was commenced by the filing of the aforementioned Complaint on or about August 2, 2021. Id. See Exhibit "A."

3. Defendant National Cart Co. East. was served in or about August 9, 2021.

4. Accordingly, this Notice of Removal is being filed within thirty (30) days of service of plaintiff's Complaint, and it is the first pleading which specifically identifies all elements of federal jurisdiction.

5. Defendants expressly reserve all rights and defenses relating to plaintiff's claims.

6. The causes of action set forth in plaintiff's Complaint are such that this Court may exercise diversity jurisdiction pursuant to 28 U.S.C. §1332, and is therefore removable pursuant to 28 U.S.C. §1441(b).

7. Furthermore, this Court has original jurisdiction over plaintiff's claims due to the diversity of citizenship between the plaintiff and the defendants. See 28 U.S.C. §1332.

8. Plaintiff National Cart Co. East, LLC is a Limited Liability Company incorporated and organized under the laws of Missouri, with a registered office and/or its principal place of business at 3125 Boschertown Rd, St. Charles, MO 63301 and which operates a distribution center at 32 Earth Conservancy Drive, Wilkes-Barre, Pennsylvania 18706. See Exhibit "B."

9. Defendant National Cart Co. is a business or corporation organized under the laws of Missouri with a registered office and/or principal place of business at 3125 Boschertown Rd, St. Charles, MO 63301. See Exhibit "A" at ¶2.

10. Defendant National Cart, LLC is a business or corporation organized under the laws of Missouri with a registered office and/or principal place of business at 3125 Boschertown Rd, St. Charles, MO 63301. See Exhibit "A" at ¶3.

11. Defendant Winholt Equipment Group, upon information and belief is a corporation incorporated under the laws of New York with a principal place of business at 20 Crossways Park North-Suite 205 Woodbury, New York 11797. See Exhibit "A" at ¶5.

12. Defendant Win-holt Equipment Group, upon information and belief is a corporation incorporated under the laws of Pennsylvania with a principal place of business at 7028 Snowdrift Road, Allentown, Pennsylvania 18106. See Exhibit "A" at ¶6.

13. Plaintiff has alleged damages in excess of \$75,000. See Exhibit "A." See also 28 U.S.C. §1332.

14. More specifically, plaintiff has alleged damages in excess of local arbitration limits including cost and equitable relief. See Exhibit "A" at Counts I-V "Wherefore" clauses.

15. For the aforementioned reasons, this Court has original jurisdiction over plaintiff's claims due to the diversity of citizenship between the plaintiff and the defendants. See 28 U.S.C. §1332.

16. Written notice to plaintiff and all other defendants is being served simultaneously with this Notice of Removal, as reflected in this proof of service.

17. A copy of this Notice of Removal, along with all attachments, is also being filed with the Prothonotary of the Court of Common Pleas of Philadelphia County. See Praecipe for Notice of Removal attached as Exhibit "C."

WHEREFORE, defendants National Cart Co., National Cart, LLC and National Cart Co. East, LLC. respectfully request that this matter be removed to this the United States District Court for the Eastern District of Pennsylvania for all purposes.

BILLET & ASSOCIATES, LLC

By: s/ *Hugh Daulerio*

ROBERT DOUGLAS BILLET, ESQUIRE
HUGH DAULERIO, ESQUIRE
Attorneys for defendants National Cart Co.,
National Cart, LLC, and National Cart Co.,
East, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SETH FELKER	:	CIVIL ACTION
	:	
v.	:	
	:	
NATIONAL CART CO.,	:	No.
NATIONAL CART, LLC	:	
NATIONAL CART CO. EAST, LLC:	:	
WINHOLT EQUIPMENT GROUP	:	
and WIN-HOLT EQUIPMENT	:	
CORP.	:	

CERTIFICATE OF SERVICE

I, Hugh Daulerio, Esquire, hereby certify that a true and correct copy of the Notice of Removal, was served upon each and every interested counsel or unrepresented party by regular first class mail, postage pre-paid on September 9, 2021.

BILLET & ASSOCIATES, LLC

s/ *Hugh Daulerio*

By:

ROBERT DOUGLAS BILLET, ESQUIRE
HUGH DAULERIO, ESQUIRE
Attorneys for defendants National Cart Co.,
National Cart, LLC, and National Cart Co.,
East, LLC